

BOARD OF COUNTY COMMISSIONERS
LEON COUNTY, FLORIDA
OCTOBER 28, 2003
REGULAR MEETING
DRAFT

The Board of County Commissioners of Leon County, Florida met in regular session with Chairman Grippa presiding. Present were Commissioners Sauls, Thael, Winchester, Proctor, Rackleff and Maloy. Also present were County Attorney Herb Thiele, County Administrator Parwez Alam, Deputy Clerk Bill Bogan, Jr., and Secretary Sandra C. O'Neal. The meeting was called to order at 5:00 p.m.

Invocation was provided by Reverend Bill Williams, Unity of Tallahassee, at the invitation of Commissioner Winchester. It was followed by the Pledge of Allegiance to the Flag.

Awards and Presentations

- Chairman Grippa, on behalf of the Board, presented the attached resolution to Kenneth "Doug" Banks, Senior Compliance Specialist in Code Enforcement, in recognition of his dedication and service to Leon County.
- Presentation on the 2003 United Way Campaign was made by Ken Armstrong, President. He announced that the Big Bend Area's United Way is ranked second in the country, of mid-size communities, in funds raised. Jenny Khoen, coordinator, explained that the local government goal is \$380,000 and Leon County's share is \$130,000. The Board hopes to meet or exceed the goal.

Consent

Commissioner Winchester moved, duly seconded by Commissioner Sauls and carried unanimously, 6/0 (Commissioner Thael was out of Chambers), to approve the following consent agenda with the exception of Items #7 which were addressed as described:

1. Approval of Minutes

The Board approved Option 1: Approve the minutes for the September 3, 2003 District 4 Community Meeting.

2. Approval of Payment of Bills and Vouchers

The Board approved Option 1: Approve payment of bills and vouchers submitted for approval for October 28, 2003 and pre-approve payment of bills and vouchers for the period of October 29, 2003 through November 17, 2003: \$ 4,037,581.48.

3. Approval of the FY 2002-2003 Budget Carry Forwards

The Board approved Option 1: Approve carry forwards of FY 2002-2003 appropriations to the FY 2003-2004 budget and approve associated resolutions and budget amendment:

4. Approval of the FY 2002-2003 Year-end Budget Close-out

The Board approved Option 1: Approve the attached year-end close out resolution and associate budget amendment:

5. Approval to Issue a Request for Proposals (RFP) for Drug Treatment Services to the Leon County Felony Drug Court Program

The Board approved Option 1: Approve the issuance of a Request for Drug Treatment services to the Leon County Felony Drug Court Program.

6. Approval of an Agreement Between the City of Tallahassee and Leon County Providing for Law Enforcement Presence During Scheduled Supervised Visitations

The Board approved Options 1 and 2: 1) Approve the agreement between the City of Tallahassee and Leon County providing for law enforcement presence during scheduled supervised visitations, and authorize the Chairman to execute; 2) approve the attached budget amendment request and budget resolution:

7. Adoption of a Resolution Modifying Commissioners' Salaries

Chairman Grippa pulled this item so that he could record his vote in opposition to this particular Consent Agenda item.

Commissioner Sauls moved, duly seconded by Commissioner Maloy and carried 5 – 1 (Chairman Grippa voted in opposition and Commissioner Thael was out of Chambers), to approve Option 1: Adopt the attached proposed Resolution R03-68 modifying the amount of each Commissioner's annual salary for Fiscal Year 2003-2004:

8. Approval of Contract Addendum with the Tallahassee Area Visitors and Convention Bureau in the Amount of \$675,000 for Direct Marketing and Convention Services for the Tourist Development Council

The Board approved Option 1: Approve the contract addendum for Direct Marketing & Visitors Services with the Tallahassee Area Convention & Visitors Bureau through September 30, 2004 in the amount of \$675,000.

9. Approval of Contract Addendum with the Zimmerman Agency in the Amount of \$422,500 for the Advertising and Public Relations Services for the Tourist Development Council

The Board approved Option 1: Approve the contract addendums renewing Advertising and Public Relations services with The Zimmerman Agency through September 30, 2004.

10. Approval of an Agreement with Florida State University in the Amount of \$10,000 for Festival and Event-related Research for the Tourist Development Council

The Board approved Option 1: Approve the agreement with Florida State University in the amount of \$10,000 for Festival and Event-related Research.

11. Approval of Renewal of an Agreement with Florida State University in the Amount of \$35,000 for a Study of the Economic Impact of Visitors to Leon County

The Board approved Option 1: Approve renewal of an agreement with Florida State University for the Economic Impact of Visitors Study on Tallahassee-Leon County in the amount of \$35,000.

12. Acceptance of Human Resources Services Administration CAP Grants in the Amount of \$142,938

The Board approved Option 1: Accept the two grant awards from the Healthy Community Access Program for a total of \$142,938 and approve the attached budget amendment and budget resolution:

13. Approval of the Issuance of a Certificate of Public Convenience and Necessity to Provide Emergency Medical and Transport Services Within Leon County

The Board approved Option 1: Approve the issuance of a Certificate of Public Convenience and Necessity to provide emergency medical and

transport services within Leon County and authorize the Chairman to execute. See attached:

14. Acceptance of Byrne Grant Subgrant for the Anti-Terrorism Equipment II Program

The Board approved Option 1: Accept the Byrne Grant Subgrant for the Anti-Terrorism Equipment II in the amount of \$87,201 for anti-terrorism equipment and authorize the Chairman to sign the Certificate of Acceptance of Subgrant award and the agreement with the City of Tallahassee.

15. Ratification of Actions Taken at the Workshop and Tour on the Status of the County's Emergency Medical Services (EMS) Program

The Board approved Option 1: Ratify actions taken at the Workshop and tour on the status of the County's Emergency Medical Services (EMS) Program held on October 14, 2003.

16. Request to Schedule Public Hearings on the Proposed Ordinance to Amend the Land Development Regulations to Adopt the Neighborhood Boundary Office District

The Board approved Option 1: Schedule Public Hearings on a proposed Amendment to the Land Development Regulations to adopt the Neighborhood Boundary Office Zoning District for Tuesday, November 25th and Tuesday, December 9, 2003 at 6:00 p.m.

17. Approval to Negotiate a Contract with Barnett-Fronczak Architects for Architectural and Engineering (A&E) and Interior Design Services

The Board approved Option 1: Direct staff to negotiate a contract with Barnett-Fronczak Architects (BFA) for Architectural and Engineering (A&E) and Interior Design Services to provide space programming for renovation of the Bank of America building (Annex) as well as construction of office space for the Annex.

18. Approval to Award a Continuing Supply Contract to DOCS Office Supply for Office Products

The Board approved Option 1: Award a Continuing Supply Contract to DOCS Office Supply and authorize the Chairman to execute the contract.

19. Approval to Award Continuing Supply Contracts to Florida Georgia Turf Farms, Inc., and Vanceville Turf Farms for Purchase of Sod

The Board approved Option 1: Award Continuing supply contracts to Florida Georgia Turf Farms, Inc., and Vanceville Turf Farms at the prices stated and authorize the Chairman to execute the contracts.

20. Approval of Agreement for a One-Year Extension with Barkley Security Agency, Inc., to Provide Security Services

The Board approved Option 1: Approve the agreement of a one-year contract extension with Barkley Security Agency, Inc., with a 2% increase, for security services at the Courthouse and the LeRoy Collins Leon County Public Library and authorize the Chairman to execute.

21. Adoption of a Roadway Memorial Marker Policy

The Board approved Option 1: Adopt the attached Roadway Memorial Markers Policy as proposed:

**Board of County Commissioners
Leon County, Florida**

Policy No. 03-17

Title: Roadway Memorial Markers

Date Adopted: October 28, 2003

Effective Date: October 28, 2003

Reference: Florida Statutes, Chapter 316, Sections 334.044 and 336.045

Policy Superseded: None

It shall be the policy of the Board of County Commissioners of Leon County, Florida (the Board), that a new policy entitled "Roadway Memorial Markers" (the Policy) is hereby adopted, to wit:

1. Purpose

The purpose of this policy is to establish procedures for the uniform placement of memorial makers within the County rights-of-way to:

1. Memorialize people who have died as a result of a vehicle-related accident;
2. Raise public awareness of the need for safe driving practices; and
3. Ensure uniformity of memorial markers on Leon County rights-of-way.

2. Procedures for Placement of Memorial Markers in County Rights-of-Way

1. Requests for memorial markers within Leon County right of ways shall be submitted in writing to the Director of Operations, Leon County Public Works, 2280 Miccosukee Road, Tallahassee, Florida 32308. Requests may be submitted by immediate family members or friends, with requests from friends requiring written approval of the deceased's immediate family.
2. Placement of the deceased name on the memorial marker will be at the immediate family's option. Any additional decorations or ornaments will not be allowed.

3. The cost for construction, installation, maintenance and removal of the memorial marker will be incurred by Leon County.
4. The memorial marker shall consist of a 15" diameter aluminum panel with white background of engineering grade sheeting, and black letters. The memorial marker shall be installed at a height of 42" from ground elevation.
5. Memorial markers shall be constructed and installed by Leon County in accordance with Diagrams 1 and 2. Memorial markers shall not be installed within the limits of active maintenance zones and will be located at the back edge of the mowing limits.
6. There shall be no activities while the memorial marker is in place that pose a safety hazard to the public or violate any provisions of Chapter 316, Florida Statutes, concerning stopping, standing, parking or obstruction of traffic on public roads.
7. For urban area curb and gutter sections, the memorial marker may not necessarily be placed at the exact location of the fatality due to restricted space/right of way, property owner complaints, or other constraints. Exact location will be at the discretion of the Director of Operations.
8. The memorial marker shall remain in place and be maintained by Leon County for a minimum of one (1) year unless it becomes necessary to remove it. If, after one (1) year the memorial marker has been removed for any reason, it may be replaced by following the initial request procedure.
9. Memorial markers installed by private citizens and outside of this policy shall be deemed to be in violation of this policy. All such installation shall be immediately removed by Leon County Public Works.

22. Approval of Recording of the Plat of Sierra Woods, Units I and II (a Public Residential Subdivision) and Acceptance of the Performance Agreement and Surety Device

The Board approved Options 1 and 2: 1) Accept and approve recording of the plat of Sierra Woods, Units I and II Conservation Easement; 2) Approve the plat of Sierra Woods, Units 1 and II for recording into the public records of Leon County and accept the performance agreement and surety device in the amount of \$512,487 (as requested by the developer, Robert A Campbell, Jr.)

23. Request to Schedule a Public Hearing on the Utilization of the Uniform Method of Collection for the Winfield Forest 2/3 – 2/3 Project for December 9, 2003 at 6:00 p.m.

The Board approved Option 1: Schedule a public hearing for December 9, 2003 at 6:00 p.m. regarding intent to use the uniform method of levy, collection and enforcement of non-ad valorem assessments for Winfield Forest Subdivision 2/3 – 2/3 Project.

24. Update on the Bradfordville Agreements

The Board approved Option 1: Accept the status report on the Bradfordville Settlement Agreements.

25. Request to Approve Travel Expenses for Commissioner Rackleff to Attend the Congress for the New Urbanism (CNU), Transportation Summit on November 20 and 21, 2003 in Nashville, Tennessee

The Board approved Option 1: Approve travel expenses for Commissioner Rackleff to attend the Congress for New Urbanism (CNU) Transportation Summit in Nashville, Tennessee.

26. Request to Approve Travel Expenses for Commissioner Thael to Attend Florida Association of Counties (FAC) Legislative Networking Meeting in Orlando, Florida on October 30, 2003

This item was pulled.

Citizens to Be Heard on Non-Agendaed Items (3-minute limit; non-discussion by Commission)

Reverend William Foutz, 6504 N. Meridian Road, Paramore Estates, voiced complaint about a high-pressure gas transmission line on property in his neighborhood which he brought to the Board's attention some time ago. He circulated information and

pointed out that the line was installed by the City without discussion or easements from surrounding residents. Reverend Foutz requested that the Board provide assistance to get the City to resolve the issue. Staff will investigate the status.

Citizens to Be Heard on Non-Agendaed Items (3-minute; non-discussion by Commission)

Reverend William Foutz, 6504 N. Meridian Road, appeared and voiced concern about the high-pressure gas line installed by the City of Tallahassee without discussion or easement from families (Foutz and Rollins Families). He requested the Board's assistance in convincing the City to come to the table on this issue.

General Business

27. Consideration of Options for the Advanced Life Support (ALS)/First Responder Component of the County Emergency Medical Services (EMS) Program

The Chairman advised that this item will be taken up at a Special Workshop on Tuesday, November 4, 2003, 1:30 – 3:30 p.m. to discuss the Emergency Medical Services (EMS) issues and the City of Tallahassee's recent proposal on advanced life support. Chairman Grippa gave a brief overview of the County EMS.

Mr. Dan Moynihan, new EMS director was introduced.

28. Board Consideration of the Continuation of the Neighborhood Justice Center Program

This item requests Board consideration of the continuation of the Neighborhood Justice Center

Vince Long, Assistant County Administrator and Andrea Byrd, Special Projects, explained the issues surrounding the Neighborhood Justice Center. It was noted that Chief Judge Charles Francis indicated, after a thorough review of Article V, Revision 7 and the changes to funding of mediation programs set forth in the statutes, that he would be unable to integrate the functions of the NJC into the court system or assume the responsibility of managing the program.

Mr. Long advised that some concerns regarding operation of NJC are as follows:

- Personal immunity for volunteer mediators since they would not be operating under the Judges order
- There is an advisory council created under Chapter 44 regarding the NJC and the advisory council has been defunct since 2001
- Disinterest in the program

Commissioner Rackleff stated that he would like to see an alternative program established such as the conflict resolution center at FSU. He requested that staff contact FSU and determine if they are interested.

Commissioner Rackleff moved and was duly seconded by Commissioner Sauls to approve Options 1 and 2: 1) Direct the County Administrator to dissolve the Neighborhood Justice Center effective immediately; 2) Direct the LLEBG Advisory Council to reconvene and make a recommendation to the Board for redistribution of grant funds originally earmarked for the Neighborhood Justice Center.

Commissioner Proctor indicated the importance of the NJC and extended gratitude to those who participated. He suggested that unspent dollars for the program be used for similar programs.

The motion carried 5 – 2 (Commissioners Thael and Proctor voted in opposition).

29. Board Direction Regarding Assessment of Lands Subject to a Conservation Easement, Environmentally Endangered Lands, or Lands Used for Outdoor Recreational Park Purposes

The Board is being asked to provide direction to staff regarding requests from citizens to establish a classification and tax deferral methodology or land subject to a conservation easement; land qualified as environmentally endangered and so designated by formal resolution of the governing board of the municipality or county within which such land is located; land designated as conservation land in a comprehensive plan adopted by the appropriate municipal or county governing body; or any land which is utilized for outdoor recreational or park purposes.

At least two citizens have contacted the Property Appraiser's Office in the last few months requesting to take advantage of Section 193.501, Florida Statutes, by having their property assessed for

conservation purposes pursuant to an easement or conveyance of development rights to the County.

Commissioner Rackleff explained that this provides for a temporary conservation easement of at least ten years and the property tax is deferred. When the easement goes away, the property owner is then required to pay the deferred tax plus interest which is 12%. County Attorney Thiele explained that this serves as an incentive to not develop the property during that interim period of time. Also portions of property could result in permanent conservation easements. Commissioner Winchester pointed out that he asked staff to pursue this after he discussed the issue with several landowners.

Commissioner Winchester moved and was duly seconded by Commissioner Thael to approve Option 1: Authorize staff to pursue development of an ordinance to implement Section 193.501, F.S. In the interim, staff should obtain feedback from landowners. The Board requested a more thorough fiscal analysis and asked that staff determine what other states have done regarding temporary easements. Staff will contact the Property Appraiser's Office to determine what properties would be eligible and take a reasonable percentage. Alan Rosenzweig, Office of Management and Budget, explained that it would be difficult to determine the properties that qualify but he would provide some ranges. The Board also directed the County Attorney include in the ordinance detailed parameters, how notification is made to property owners to determine eligibility, and how to apply for the exemption.

The motion carried unanimously, 7/0.

30. Approval to Negotiate a Contract with Structural Preservation Systems, Inc., for Design/Build of Repairs and Reinforcement to the Leon County Courthouse Parking Garage

This item seeks Board approval to negotiate a contract with Structural Preservation Systems, Inc. for the Design/Build of Repairs and Reinforcement to the Leon County Courthouse Parking Garage.

County Administrator Alam explained the past and ongoing repairs to the Courthouse parking garage over the past 14 years. Tom Brantley, Facilities Management, explained that \$3.5 million of the bond money was pledged for repairs and this item involves \$2.7 million.

Commissioner Sauls moved, duly seconded by Commissioner Maloy and carried unanimously, 6/0 (Commissioner Proctor was out of Chambers), to approve Option 1: Direct staff to negotiate a contract with Structural Preservation Systems, Inc., for the Design/Build of Repairs and Reinforcement to the Leon County Courthouse Parking Garage.

The Board entered discussion of Public Hearing, Item 34.

31. Ratification of an Energy Savings Contractor (ESCO) for County Facilities According to the Florida Department of Management Services (DMS) State Contract

Commissioner Winchester moved, duly seconded by Commissioner Maloy and carried unanimously, 5/0 (Commissioners Grippa and Proctor were out of the Chambers), to approve Options 1, 2, and 3:

- 1) Ratify the Selection Committee's recommendation of Progress Energy Company (Florida Power Corporation) for qualified ESCO services in Leon County facilities, according to DMS State Contract No. ITN No. DMS 01/2002-013, "Comprehensive Energy Strategy."
- 2) Authorize staff to proceed with negotiations of an investment-grade technical energy audit of County facilities with an estimated contract return date of December 9, 2003 and estimated audit completion and presentation date of March 9, 2004, at a cost not to exceed value of \$120,000 as previously budgeted by the County for expenditure during FY 2003-04;
- 3) Approve the retention and future use, as required, of staff's final rankings and results for qualified ESCO services companies.

32. Authorization for County Administrator to Extend Offers Based on Appraisal Amounts to Owners in the Southside Flooded Property Purchase Program

Staff is requesting Board authorization for the County Administrator to pursue the acquisition of four flood prone properties on the prioritization list for the Southside Flooded Property Purchase Program (the "Project") in accordance with Board Policy 03-01 by extending offers in an amount equal to the appraisal amount for the properties. In addition, the resolution and budget request will realize income from the Hazard Mitigation Grant Program, and transfer an equivalent amount to the Southside Project are submitted for approval.

Commissioner Winchester moved and was duly seconded by Commissioner Maloy to approve Options 1 and 2:

Option 1: Authorize the County Administrator to extend offers to the owners in an amount equal to the appraised value for the properties as set forth and execute any and all documents necessary to complete the acquisition of any parcel as set forth above.

Option 2: Approve the attached budget amendment and budget resolution realizing the grant revenue and transferring \$278,241 of Capital Bonds Funds from Harbinwood Capital Project to the Southside Flooded Property Purchase Program.

Commissioner Sauls advised that she has been getting calls from citizens and urged staff to move the appraisals along as quickly as possible.

The Board requested that the County Attorney look at amending the policy to allow the County Administrator/Public Works to extend offers for houses at the appraisal amounts, rather than bringing each offer \$50,000 to the Board.

The motion carried unanimously, 5/0 (Commissioners Proctor and Rackleff out of Chambers).

33. Proposed Voluntary Annexation of the Southern Triangle/Desilets Property

This item involves Board review of the voluntary annexation proposal from the City to annex two parcels (Desilets property) containing approximately eighteen (18) acres in the area of the Southern Triangle. The City Commission held a public hearing in September 2002.

Commissioner Sauls moved, duly seconded by Commissioner Maloy and carried unanimously, 5/0 (Commissioners Proctor and Rackleff were out of Chambers), to approve Option 1: Approve the proposed annexation of the Southern Triangle/Desilets property.

Add-On

- a. Donation of Chairman Grippa's Car Allowance to Alzheimer's Project of Tallahassee and the United Way of the Big Bend.

Commissioner Sauls moved, duly seconded by Commissioner Winchester and carried unanimously 5/0 (Commissioners Proctor and Rackleff out of Chambers), to approve Option 1: Approve donation of Chairman Grippa's Commissioner car allowance to the Alzheimer's Project of Tallahassee and the United Way of the Big Bend.

- b. Request to reschedule time of joint Wakulla County/Leon County Workshop on November 6, 2003 at 3:00 p.m.

In an effort to accommodate all Commissioners, Chairman Grippa asked to reschedule the joint workshop from 3:00 p.m. to 1:00 p.m. on the same date, November 6th, and the Board concurred. Staff noted that the original site of the Woodville Elementary School might have to be changed to another location. If another site cannot be located, the date of the workshop would have to be changed. This item would be brought back at the Special Board Meeting of November 4th.

- c. Request to Reschedule Board's Annual Retreat

It was the consensus of the Board to reschedule the Board Retreat from December 8, 2003 to December 3, 2003, 8:30 a.m. to 4:30 p.m. Staff would determine the location, which would be somewhere in Leon County.

- d. Request to Terminate Custodial Contract with Sarita Carter (d/b/a) Step One Temporary Training and Employment Services, Inc., (Step One)

This item seeks to terminate the contract with Sarita Carter d/b/a Step One Temporary Training & and Employment Services, Inc. for the provision of custodial services in certain County-owned building facilities and to authorize issuance of a bid for services currently included in the Step One's contract, and authorize staff to realign services currently contracted to Step One to another vendor until the bid and contract award process can be concluded.

Kim Dressel, Management Services, explained that Step One has not met certain conditions: They have applied for Worker's Compensation but it was at levels lower than what the County requires; there was not sufficient automobile, general liability insurance, and performance bond. It was also noted that there are increased complaints regarding lack of supplies such as toilet tissue and soap in dispensers.

Commissioner Sauls moved and was duly seconded by Commissioner), to approve Options 1, 2, and 3:

Option 1: Terminate the custodial services contract with Sarita Carter (d/b/a) Step One Temporary Employment & Training Services, Inc.) effective October 29, 2003, and direct staff to mail the notice of termination;

Option 2: Authorize staff to utilize the Emergency Services provision of the County's Purchasing Policy, Section 5.111, to replace the custodial services required in Group 4 buildings with another current custodial services firm that is a certified M/WBE;

Option 3: Authorize staff to update the original bid for Custodial Services (BC-07-01-33 with a July 10, 2001 opening date), and issue it to identify a custodial services vendor for Group 4 buildings.

Commissioner Rackleff engaged in discussion about the lack of cleanliness in the Courthouse and pointed out that R & R Janitorial Services is also not performing up to standards. He requested that the Board consider canceling R&R Janitorial contract and that it be brought back on the agenda at the next Board meeting. The Board suggested staying on point, at this time, and discuss the Step One issue.

Sarita Carter, Step One, 1102 South Adams Street, Suite 10, appeared and explained that since the contract was extended with the County, the company has been under a microscope and extreme pressure. She stated that one insurance company dropped her insurance without notice but she acquired insurance from another company, and had a copy of a certified check showing she paid for her insurance. Ms. Carter objected to various complaints suggesting that some were not legitimate and noted a problem with her supplies missing. According to Ms. Carter, there was lack of communication and she was just notified by County staff today that she did not have the correct type of bond and that additional information about her liability insurance was needed. Ms. Carter indicated that she has complied with what was necessary to execute the contract and indicated that it was impossible to satisfy every employee that works in Group 4 (13) buildings. Ms. Carter stated that she is only 16 days into her extended contract, which is not sufficient time to prove herself and implored the Board to not terminate her contract.

Ms. Carter pointed out that staff had not asked her to provide proof of Worker's Comp insurance in the past two years and it was requested in May of this year. Commissioner Proctor questioned why staff did not verify insurance compliance in past years. Ms.

Dressel, Management Services Director, responded that staff is reviewing its process to avoid such mistakes in the future.

Commissioners Thael and Maloy talked about the possibility of allowing Ms. Carter 72 hours to resolve issues and provide proof of adequate insurance coverage. Ms. Carter stated that she could provide proof of all insurance coverage by Noon tomorrow, October 29th.

After a lengthy discussion, Commissioner Rackleff moved, duly seconded by Commissioner Sauls and carried unanimously, 7/0, to call the question.

The motion on the floor for staff's recommendation, Options 1, 2, and 3 carried 4 – 3 (Commissioners Proctor, Thael, and Maloy voted in opposition).

Public Hearings

34. Continuation of the Public Hearing on the Proposed Williams Sand Mine Type C Site and Development Plan

Pursuant to legal advertisement, a public hearing was conducted on the proposed Type C Site and Development Plan for the Williams Sand Mine.

Commissioner Proctor advised that he visited the sand mine and some topsoil would be removed but the owner made a commitment to refill it.

Commissioner Proctor moved, duly seconded by Commissioner Rackleff and carried unanimously, 7/0, to approve Option 1: Conduct the continuation of the Public Hearing and approve the proposed Type C Site and Development Plan for Williams Sand Mine with the conditions noted, based on the recommendation of the DRC.

35. Second Public Hearing to Create Chapter 18-73, Killearn Lakes Units I and II Special Development Zone, of Article III, "On-site Sewage Disposal Systems," of the Leon County Code of Laws

Pursuant to legal advertisement, the second public hearing was conducted on proposed amendments to Article III "On-site Sewage Disposal Systems" of Chapter 18 "Utilities" of the Code of Laws of Leon County, Florida. The amended language addresses special

development criteria for septic systems in Killearn Lakes Units I and II.

The Board engaged in discussion about the warranty and bonding of a septic system. Mr. Alex Mahon, Environmental Health Direction, was present to respond to the Board's inquiries.

The following citizens appeared:

George E. Lewis, II, 203 N. Gadsden Street, appeared and asked if the Board, by means of the bond requirement, effectively creating a moratorium on the lots; the bond could be costly and the cost would be passed on the owner. He suggested that the Board use its GIS to provide the Board with names and addresses of every property owner of undeveloped lots in Killearn Lakes Unit 1 and II. Mr. Lewis indicated that most of the lots are owned by individuals who plan on using the lots in the future. He stated that the imposition that the ordinance has with the requirement of posting the bond are inadequate with respect to how it is supposed to operate. He suggested that more investigation be done before adopting the ordinance and that individual notice be given to owners of the lots. He also advised that the effective date of the Ordinance should be October 14, 2003 when the first public hearing was conducted.

Donald Wise, 3108 Ansty Park Drive, president of Camelot Builders and Real Estate, appeared and suggested that the septic tank installer should be the person that is required to obtain a bond. The County requires in Unit I that the stormwater and septic tank systems be engineered - Mr. Wise felt that this might redundant if a bond is required.

Matthew Parker, 8057 Briar Creek Road, resident of Killearn Lakes Unit I, appeared and referred to his email to Commissioners. He stated that from engineering standpoint, the banning of mounded septic tanks systems in Killearn Lakes would effectively reduce the options for having an anaerobic or traditional aerobic systems with a drainage field. With the sheet flow drainage and not mounding the system, any drainfield in Killearn Lakes will become inundated with stormwater. Mr. Parker indicated that the only system available that would work with the requirements the County has is a performance-based system, which is an aerobic septic tank system with a drip effluent disposal system.

Chairman Grippa stated that he did not feel it was unreasonable to warranty a septic tank for five years when the average life of one is

10 years. He stated that the septic tank installer is the person who should be bonded and provide warranty for the septic tank, the design engineer must sign and seal a "no adverse impact letter," and the septic tank should have a warranty of five years

Commissioner Rackleff moved and was duly seconded by Commissioner Sauls to approve Option 1 as amended: Conduct the second and final public hearing on the proposed Ordinance to Create Chapter 18-73, Killearn Lakes Units I and II Special Development Zone, of Article III, "On-site Sewage Disposal Systems," of the Leon County Code of Laws and amend Article III of the Leon County Code of Laws with an effective date of October 14, 2003; Section 1 (A) 5 should clarify that the design engineer's certification is for five years and Section 1 (A) 6 of the Ordinance is to require that the septic tank installer rather than the contractor or design engineer should provide the warranty bond on the septic tank system; the septic tank should have a warranty of five years and the design engineer must sign and seal a "no adverse impact letter."

The motion carried unanimously, 7/0.

See attached Leon County Ordinance No. 03-33:

The Chairman recognized Commissioner Proctor who introduced students in the audience.

36. First and Only Public Hearing Amending the Leon County Code of Laws Regarding the Tourist Development Tax

Pursuant to legal advertisement, the first and only public hearing was conducted on proposed amendments to the Leon County Code of Laws, regarding Tourist Development Tax, to incorporate amended portions of Section 212.12, Florida Statutes, relating to late filings and penalty assessments of tax returns.

Eugene Danaher, 10263 Thousand Oaks Road, appeared and stated that the Tourist Development Tax was designed to provide a fund of money that Tourist Development Council could expend as grants to various activities inside and outside of this community which would draw people in to attend events which would require them to stay in hotels, buy gas and food, which would generate income in the community. Mr. Danaher stated that he felt that the Commission is ignoring the original intent of the bed tax.

Chairman Grippa advised that the proposed revision to the ordinance relates to late filings and penalty assessments of tax returns and does not relate to an increase in the Tourist Development Tax. Mr. Danaher stated that he misunderstood the agenda item.

Commissioner Maloy moved, duly seconded by Commissioner Sauls and carried unanimously, 5/0 (Commissioners Proctor and Winchester out of chambers), to approve Option 1: Conduct the first and only public hearing and adopt the proposed amendments to Leon County Ordinance regarding the Tourist Development Tax, to incorporate amended portions of Section 212.12, Florida Statutes, relating to late filings and penalty assessments of tax returns (adopting the attached Leon County Ordinance No. 03-34:

37. Public Hearing to Adopt Ordinance Establishing the Leon County Administrative Code

Pursuant to legal advertisement, a public hearing was conducted to adopt a proposed ordinance and resolution that, combined, establish the Leon County Administrative Code. The County Charter requires that the Board adopt the Administrative Code.

George E. Lewis II, 203 N. Gadsden Street #6, appeared, stated that there should be written instructions on the delegation of authority, which sets the stage for disaster. He suggested that the code include a requirement that any time that any one with specific authority delegates that authority, that it be done in writing.

Eugene Danaher, 01263 Thousand Oaks Circle, appeared and talked about the manner in which raises are given to the County Administrator and the County Attorney. He suggested that the protocol be changed and that staff engage in discussions on this issue. Commissioner Thaell responded that the overall evaluations, which are public record, were very thorough.

Commissioner Thaell moved, duly seconded by Commissioner Rackleff and carried unanimously, 5/0 (Commissioners Grippa and Proctor out of chambers), to approve Option 1: Conduct the first and only public hearing and adopt the attached Leon County Ordinance No. 03-35 and Resolution R03-69 establishing the Leon County Administrative Code:

The Board then entered discussion under General Business, Item 31.

Citizens to Be Heard on Non-Agendaed Items

- a. Marla Stevenson of 15010 E. Joe Thomas Lane, Henrietta Watkins of 15027 E. Joe Thomas Lane, Lisa Remillard of 15030 E. Joe Thomas Lane, and Johnny Vinzant of E. Joe Thomas Road approached the Board about a civil matter involving their property located off of Highway 20. They voiced complaint that a neighbor had installed a privacy fence which blocks the private road's easement, which has been used for years for egress and ingress to their homes. The fence also cuts off access for emergency vehicles and utility providers such as gas and propane. The parties pointed out that they do not have access to their property except by way of a small dirt road, which is usually muddy and not navigable. They requested the Board's assistance in having their neighbors, Todd and Cathy Salsberry, to remove the privacy fence and post until the civil matter is resolved.

County Attorney Thiele explained that the only jurisdiction the Board could exercise was to authorize the Chairman to declare a "State of Emergency" for a determined amount of time.

Commissioner Winchester moved, duly seconded by Commissioner Sauls and carried unanimously, 7/0, that the Chairman declare a limited "State of Emergency" (for Highway 20 west) since the residents cannot get in or out of their homes. Mr. Thiele will speak with the homeowner to work out something peacefully prior to issuing the limited "State of Emergency" and Commissioner Sauls will coordinate.

- b. Eugene Danaher, 10263 Thousand Oaks Circle, appeared and referred to Wakulla County Commissioners (later it was determined to be Jefferson County Commissioners) who gave up their state mandated raises and cost of living increases since there was a budget crisis. He suggested Leon County do the same.

Mr. Alan Rosenzweig, OMB Director, explained that the County was not in a fiscal crisis and was fiscally sound.

Mr. Danaher also referred to the County's Holiday schedule and suggested that it was not necessary for employees to take off an extra day prior to a holiday or a day after a holiday when it falls on a Friday or a Monday (such as Christmas and New Years).

Mr. Danaher asked Chairman Grippa about his vote of opposition regarding Item 7. Chairman Grippa explained that he voted against Commissioners salary increases as he did previously.

- c. Bob Fulford, 231 Westridge Road, talked about the high-pressure gas line that the City put in Paramore Estates and the Gate Gas Transfer Station located in Chaires. He spoke about complaints of odor emanating from a possible gas leak and the health, safety, and welfare of residents. Mr. Fulford asked that the Board look into these issues again and determine if something could be done.

The Board directed that the County Attorney bring back something to encourage the City to engage in discussions regarding the pipelines in Chaires and in Paramore Estates and to look at the encroachment issue and protection of the public. The Board authorized Commissioner Winchester to pursue the Paramore Estates gas pipeline issue with the City.

- d. Dorothy Spence, 3982 Chaires Cross Road, appeared and voiced complaint about the odor emanating from the high-pressure gas line at the City's gate station located in Chaires. She pointed out the danger of having the station near residents including children who play in the area. Ms. Spence referred to a letter from the City about the cost to move the line.

The Board requested that Gary Johnson, Growth & Environmental Management Director, provide information on how the permit for the Gas Transfer Station was issued and what kind of permit was issued. Mr. Johnson responded that he is not certain if a permit was issued or if it was installed under a general utility permit. He would provide information about the permit as requested. The

Commissioner Rackleff stated that he would approach the City about the recurring odor problem and moving the gate station and would bring the results of the discussions at the next Board meeting. He also suggested that legal staff look at the possibility of an ordinance to protect pipelines rights-of-way from outside damage by encroachment and protect the public by having setbacks, from pipelines, of occupied dwellings.

- e. Lila Richardson, 3017 Baron Lane, Crown Ridge Estates, appeared and spoke about the garbage and poor condition of the County road at the entrance to the subdivision. She asked if the County could get rid of the mattresses that have been dumped in the subdivision and that the County assist her in keeping the roads clean. Ms. Richardson also requested that buses and transfer trucks not be allowed to enter the subdivision since they damage the roads and that a "No Dumping" sign be installed. County

Administrator Alam ensured that the mattresses would be removed and a sign installed.

County Administrator

Announced that the Board received a dinner invitation from Senate President Jim King to attend a dinner on Monday, December 8, 2003, 7:00 – 9:00 p.m., at the Governor's Club.

Discussion Items by Commissioners

Commissioner Winchester

- a. Provided a brief oral report on the Clean Water Act litigation involving Grady County, Georgia. There was a press conference held on the Ocholochnee River and there were discussions with Cairo City Manager and the City Mayor. Commissioner Winchester explained that he would provide a written report on the meeting in a couple of weeks. The Board conformed their direction to authorize Commissioner Winchester to be the Board's representative.
- b. Noted that the Governor's Scripps, \$300 million funding was phenomenal for the state of Florida. It was noted that Palm Beach put up \$200 million to host the community, although it is possible that they will use Leon County's Mag Lab as a satellite office.
- c. Advised that his wife was due to deliver a new baby soon and that Chairman Grippa's wife would also deliver in November.

Commissioner Maloy

Requested that staff write letters of congratulations to Coach Joe, FAMU Football Coach for becoming the 2nd winning coach in historically black colleges. A letter would also be sent to FSU Coach Bobby Bowden who won his 339th victory in football in NCAA 1-A.

Commissioner Sauls

Advised that Pat Krause, owner of Big Oak RV Park, purchased property on N. Monroe Street, and was given a PUD and has expended some \$6,000. Apparently he was told by County staff that the property did not have the proper zoning. Commissioner Sauls asked that staff investigate the issue and if the County made a mistake, they should refund Mr. Krause.

Chairman Grippa:

- a. Requested that staff contact Melissa Jacks, CEO of Big Bend Community Based Care, and Dr. Jim Bax, and ask if they could

use Florida State University's Institute for Health and Human Services Research and Big Bend CBC staff, free of charge, to assist the County in determining how the County can best utilize resources in the provision of human services, focusing on mental health.

- b. Referred to Partners for Highway Safety issue. Staff advised that the issue had already been taken care of.
- c. Requested that the Board authorize the County Attorney to discontinue with the hiring process for counsel to the Planning Commission. Chairman Grippa stated that the Planning Commission members should be involved in the hiring process and that staff should set up a schedule for the Board to meet with the LPA once during the cycle. Mayor Marks will be bringing the same issue to the City. It was noted that the City and County are both involved in the hiring process since it is a joint bid.
- d. Asked about his request for a letter to be sent to Welaunee Plantation developers regarding flood mitigation in Midyette and Lafayette Oaks. A letter should have been sent to the City noting that this is a serious concern of the County.
- e. Requested that staff assist Ms. Michelle Vassalinda, representing the City, County, and Local Government Law Section of the Florida Bar, submit an application for a \$10,000 project grant that would create a program that will afford students an opportunity to view and gain insight into the practice of local government law.
- f. Requested that Morris Barr be placed on an upcoming agenda for a five-minute presentation about Capital City Preparatory Schools and its funding request of \$35,000.
- g. Requested that the Board waive the rules to take up a mid-year funding request from the Tallahassee Branch NAACP, and to be a sponsor and provide \$1,000 for the 26th Annual NAACP Freedom Fund Awards Banquet. Commissioner Maloy moved, duly seconded by Commissioner Proctor and carried unanimously, 7/0, to waive the rules. Commissioner Proctor moved, duly seconded by Commissioner Rackleff and carried unanimously, 7/0, to approve the funding request in the amount of \$1,000.
- h. Asked to agenda a funding request of \$12,000 from Thomas Colantonio, a Naval JROTC student at Lincoln High School, to attend the National Youth Leadership Forum on Defense, Intelligence and Diplomacy in Washington, D.C.

- i. Reported that the Civic Center Authority saved money this year and commended Chairman Bill Montjoy for putting together basic best business practices such as audits, expense accounts, expenditure accounts, etc. The Chairman suggested that a letter be sent to Mr. Montjoy commending him for his hard work. The Board also commended Commissioner Thaell, who serves on the CCA, for his hard work.
- i. Inquired about the County having an awards program similar to the Davis Productivity Awards – awarding employees who find ways to save the County money.

Commissioner Rackleff

- a. Advised that he was frustrated with R & R Custodial Services since they were not keeping the Courthouse clean and not providing adequate supplies.

(Vice-Chair Sauls assumed the Chair.) Commissioner Rackleff moved and was duly seconded by Commissioner Grippa that staff bring back an agenda item at the next meeting, (November 18, 2003, to consider issuing a 30-day notice to cancel the R&R contract for non-performance. The motion failed 2 – 5 (Commissioners Sauls, Thaell, Winchester, Maloy, and Thaell voted in opposition).

- b. Advised that he was of the understanding that Wakulla County was not going to discuss their Comp Plan issue with Leon County. (The Comp Plan involves the N. G. Wade Sustainable Land Use issue in northeast Woodville, a large proposed subdivision.)

Commissioner Rackleff circulated an article from the *Wakulla News* and stated that Leon County does not have an opportunity to work with Wakulla County outside of the Comp Plan amendment process. Chairman Grippa indicated that the Wakulla County Commission might be reconsidering the issue, but if they do not, he would vote to file an objection. Before meeting with Wakulla County, Commissioner Thaell suggested that the Board have some idea about their concerns with the project. Chairman Grippa stated that each Commissioner can give their individual concerns and hopefully they will reach a compromise; Wakulla County needs the tax base and Leon County does not want Wakulla County draining the County's funds. Chairman Grippa suggested that the pertinent issues be confirmed by staff, i.e. Planning and transportation departments. County Administrator Alam explained that David McDevitt would be attending since he is the

most knowledgeable about the situation. The Acting Planning Department Director will also attend.

Commissioner Winchester suggesting that staff conduct a cursory review of their plan amendment from a traffic assessment prospective so the Commission will know the impacts. Mr. Alam responded that Mr. McDevitt has done that based on the plan available and there are no detailed plans. Staff would distribute a key issue list to the Board.

Commissioner Proctor

- a. Requested a Proclamation declaring October 30, 2003 as National Weatherization Day and to be presented to the Urban League at an event. The Board concurred.
- c. Referred to the water pollution situation in Cairo, Georgia as noted by Commissioner Winchester. Commissioner Proctor stated he is the federal liaison between the two counties. While he was recently in Washington, D.C. he brought the issue up with the District Congressman. Commissioner Proctor explained that he talked with the Congressman about considering federal intervention by way of EPA in terms of potential grants for interstate disputes regarding environmental pollution standards.
- d. Referred to the high-powered gas line in Paramore Estates discussed by Reverend William Foutz. Commissioner Proctor referenced an old deed/easement which allowed the pipeline to go across 10 acres of property for a mere \$14. He indicated that this afforded government a lot of authority over a person's land for such a small price. Commissioner Proctor stated that the pipeline not only involves a safety issue but also an economic issue, which has not been resolved. With new City Commissioners on board, Commissioner Proctor was hopeful that they would consider the issue.
- d. Commissioner Proctor stated that as part of the Mayor's Race Relations Panel, the opening Legislative session in the morning would be looking a festering problem in the community. He indicated that the problem involves a disparity of mortgage loans being given to black customers compared to white customers. The opening session tomorrow morning is titled the "Role of Financial Institutions in Creating One Community" and bank representatives will be attending. Commissioners Proctor and Grippa indicated that they would be attending.

Commissioner Thaell

- a. Requested a joint workshop with the City Commission in January or early February 2004 to review the success towards accomplishing the Southern Strategy that has been the City and County's priority, particularly in the areas of economic development and equity issues. The Board concurred.
- b. Noted that last December he brought up a request from Rabbi Oirechman, Chabad of Tallahassee, about placing a display of a Menorah in the Courthouse during the holidays. Commissioner Thaell advised that Christmas trees are displayed and Rabbi Oirechman indicated that the Jewish community felt left out when they came to the Courthouse. He stated that he recollected that the Board made a decision to work with Rabbi Oirechman to do something similar to what the City of Tallahassee and the State does for Hanukkah. Commissioner Thaell explained that the transcript of the decision was not clear so he would like to redirect that the Menorah be displayed this Christmas and that is comparable to the display that the City and State has.

County Attorney Thiele advised that there is a U.S. Supreme Court case that distinguishes the tree issue from the Menorah issue; if the decorative item is purchased by non-public funds, the government could allow it to be placed in a setting for holiday decorations. The Chairman opined that the Board would not object to a menorah being on display. He requested that the County Attorney investigate further and determine what the Board can or cannot do legally, then the Board can consider the item at a Board meeting.

There being no further business to come before the Board, the meeting was adjourned at 9:39 p.m.

APPROVED: _____
Tony Grippa
Chairman

ATTEST:

Bob Inzer
Clerk of the Circuit Court